


UNITED STATES DISTRICT COURT

for the

Ottawa County Common Pleas Court 

Ottawa County, Ohio

Charles Tingler

Case No.

22-CVH-165

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Sergeant Shannon Blankenship
Sergeant Matthew Crone
Sergeant Thomas Szabo
Captain Aaron Leist

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

JOHN C. KLAERN
CLERK OF COURTS
OTTAWA COUNTY, OHIO
2022 JUN -7 A 8:4

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

EXHIBIT

A

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I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Charles Tingler		
Address	P.O. Box 1850		
	Milan	OH	44846
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Erie		
Telephone Number	567-219-5658		
E-Mail Address	charleslawrencetinglerohio@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Shannon Blankenship		
Job or Title <i>(if known)</i>	Sergeant		
Address	315 Madison Street, Room 110		
	Port Clinton	OH	43452
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Ottawa		
Telephone Number	(419) 734-6828		
E-Mail Address <i>(if known)</i>	sblankenship@ottawacountysheriff.org		
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 2

Name	Matthew Crone		
Job or Title <i>(if known)</i>	Sergeant		
Address	315 Madison Street, Room 110		
	Port Clinton	OH	43452
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Ottawa		
Telephone Number	(419) 734-6828		
E-Mail Address <i>(if known)</i>	mcrone@ottawacountysheriff.org		
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 3

Name Thomas Szabo
 Job or Title (if known) Sergeant
 Address 315 Madison Street, Room 110
 Port Clinton OH 43452
 City State Zip Code
 County Ottawa
 Telephone Number (419) 734-6828
 E-Mail Address (if known) tszabo@ottawacountysheriff.org

☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name Aaron Leist
 Job or Title (if known) Captain
 Address 315 Madison Street, Room 110
 Port Clinton OH 43452
 City State Zip Code
 County Ottawa
 Telephone Number (419) 734-6850
 E-Mail Address (if known) aleist@ottawacountysheriff.org

☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?
 1st Amendment- Freedom of speech and Petition the government for a redress of grievance clauses.
 14th Amendment-Due process and Equal protection of the law clauses.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
The defendants acted under color of the Ottawa County Sheriff's Office
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III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
Ottawa County Jail
315 Madison Street, Room 110
Port Clinton, Ohio 43452
-

- B. What date and approximate time did the events giving rise to your claim(s) occur?
May 1st 2021- March 21st 2022.
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- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)
While I was incarcerated in the Ottawa County Jail, the defendants denied me access to the inmate grievance procedure that was established pursuant to Ohio Administrative Code 5120:1-8-16(A). They did so in retaliation against me for filing grievances. In *California Transport v. Trucking Unlimited*, 404 U.S. 508, 510 (1972), the Court, after explaining the philosophy underlying the petition clause, said that the "same philosophy governs the approach of citizens or groups of them to administrative agencies," and concluded that "the right to petition extends to all departments of the Government." In extending the right of petition to administrative agencies, the Court stated "that it would be destructive of rights of association and of petition to hold that groups with common interests may not . . . use the channels and procedures of state and federal agencies and courts to advocate their causes and points of view respecting resolution of their business and economic interests viz-a-viz their competitors." *Id.* at 510-11. The petition clause is analytically distinct from, although related to, the free speech clause; and the *California Transport* case clearly establishes that the submission of complaints and criticisms to nonlegislative and nonjudicial public agencies like constitutes petitioning activity protected by the petition
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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

The only injuries that I sustained was having my voice silenced.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like the court to award damages in the amount of \$250,000 for each defendant for a total amount of \$1,000,000. I would also ask the court to issue an order preventing the defendants from restricting me from the inmate grievance procedure in the event I were to ever be in their custody again (God forbid).

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 06/06/2022

Signature of Plaintiff /S/ Charles L. Tingler

Printed Name of Plaintiff Charles L. Tingler

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City

State

Zip Code

Telephone Number _____

E-mail Address _____

Clause. Furthermore, "government retaliation for filing a petition violates the literal language of the Petition Clause which forbids "abridging . . . the right of the people . . . to petition the government for a redress of grievances." *Gable v. Lewis*, 201 F.3d 769, 772 (6th Cir. 2000). The Ottawa County Sheriff's Office is an administrative government agency, and, therefore, I had the right to file a grievance (petition) while in their custody. I was also denied equal protection of the law by the defendants not making the grievance procedure available to me, as mandated by Ohio Administrative Code 5120:1-8-16(A).